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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,209	03/06/2002	Erkki Tanskanen	NC28050-D2	7727

26343 7590 05/16/2003

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EXAMINER

NGUYEN, KIM T

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 05/16/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/092,209

Applicant(s)

TANSKANEN, ERKKI

Examiner

Kim Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 March 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

The preliminary amendment filed on March 6, 2002 has been received and considered. By this amendment, claims 29-33 have been canceled, and claims 1-28 are now pending in the application.

#### ***Specification***

1. The updated status such as “now US. Patent No. \_\_\_\_” or “now abandoned” should be inserted in the “CROSS REFERENCE TO RELATED APPLICATION” disclosed in the preliminary amendment page 1.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### ***Claim Objections***

3. Claims 1-3, 10, 12, 18-20, and 24-25 are objected to because of the following informalities:
  - a) In claim 1, line 4, the claimed limitation “said game terminal” should be corrected to “a game terminal”.
  - b) In claim 2, line 3, the claimed limitation “game parameters” should be corrected to “said game parameter”.

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- c) In claim 3, line 2; and claim 12, line 2; the claimed limitation “win value” should be corrected to “win/loss value”.
- d) In claim 10, line 4; and claim 18, line 14; the claimed limitation “said number” should be corrected to “said game identification number”.
- e) In claim 18, lines 13-14, the claimed limitation “a game identification number and game parameters” should be corrected to “said game identification number and said game parameters”.
- f) In claim 19, line 3, the claimed limitation “game parameters” should be corrected to “said game parameters”.
- g) In claim 20, line 2; and claim 25, line 2, the claimed limitation “said win value” should be corrected to “a win/loss value”.
- h) In claim 24, line 2, the claimed limitation “a selection” should be corrected to “said selection”.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 4. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The claims do not

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explicitly describe which devices initiate data transmission and which devices receive and process the data, therefore, the claims are confusing on data communicating and data processing between devices.

5. Claims 7, 9, 13, 15, and 17-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) In claim 7, line 1; claim 9, line 1; claim 15, line 1; and claim 17, line 1; the claimed limitation “said steps are performed ...” does not appear accurate, because according to the specification, at least the step “transmitting a game identification number” of claim 1, line 2, is performed by the game terminal rather than by the betting service provider. Further, the claimed limitation “said steps” is ambiguous, because it is not clear if the claimed “said steps” implies all the steps described in the corresponding independent claim.

c) In claim 13, line 2, the claimed limitation “said game” is ambiguous. It is not clear if the limitation implies the “electronic lottery games” in claim 10, line 1, or the “selected lottery game” in claim 10, line 6.

d) In claim 18, line 3, the claimed limitation “a game terminal connected” is ambiguous. It is not clear to which device the game terminal should be connected.

e) In claim 26, line 2; and claim 27, line 3; the claimed limitation “said selected game” is ambiguous. It is not clear if the limitation implies the “lottery game selection” in claim 18, lines

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12-13, or the "gaming selection" in claim 18, line 15. Naming convention should be consistent to avoid confusion.

- f) Claims 19-25 and 28 are rejected as being dependent on the rejected base claim.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (US. 6,203,427) .

a. As per claim 1, 4-5 and 8, Walker discloses a method for providing electronic games. The method comprises: transmitting and receiving a game identification number and game parameters (col. 9, lines 45-48 and 35-39); calculating a win/loss value (col. 9, lines 51-54); and transmitting the win/loss value to the game terminal (col. 8, lines 13-15).

b. As per claim 2, Walker discloses selecting possible games (col. 7, lines 34-37; 40-42 and 48-50).

c. As per claim 3, Walker discloses crediting an account when the player wins (col. 9, lines 66-67 and col. 10, lines 1-2).

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d. As per claim 6-7 and 9, Walker discloses transmitting the game over a network provided by a betting service provider (Fig. 1 and col. 5, lines 15-18).

e. As per claim 10, refer to discussion in claim 1 above. Further, since the game method disclosed by Walker encompasses all games of chance which permit the player to select from a plurality of winning selections (col. 3, lines 61-63) and Walker discusses electronic game system (col. 14, lines 14-19 and col. 2, line 18), and the lottery game is well known to be a type of a game of chance. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide lottery game of chance to the system of Walker in order to allow the player to play a lottery game. Moreover, since Walker discloses transmitting and receiving a game of chance selection (col. 7, lines 34-46), Walker obviously discloses rules of the associated selected game, because it would have been well known that each game must be associated with a rule.

f. As per claim 11, Walker discloses logging in to receive a selection of games (col. 7, lines 26-40).

g. As per claim 12-14 and 16, refer to discussion in claims 3, 8 and 1 above.

h. As per claim 15, playing game on a wireless terminal would have been well known to a person of ordinary skill in the art at the time the invention was made. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a well known wireless terminal in the game system of Walker in order to facilitate mobility and to eliminate complicated wiring for the player.

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- I. As per claim 17, Walker discloses executing the game method from a program (col. 5, lines 29-30).
- j. As per claim 18-28, refer to discussion in claims 7, 1, 10, 2-3, 5, 9, 8, 11 and 17 above.

*Cited References*

- 8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - i. Holch et al (US. 6,089,982) discloses cashless computerized video game system and method.
  - ii. Luciano et al (US. 6,168,521) discloses video lottery game.
  - iii. Scanelli et al (US. 5,816,919) discloses wireless lottery games.
  - iv. Walker et al (US. 6,146,272) discloses conditional lottery system.
  - v. Schneier et al (US. 5,871,398) discloses off-line remote system for lotteries and games of skill.
- 9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday-Thursday from 7:30AM to 5:30PM ET.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace, can be reached on (703) 308-4119. The fax phone number for this Group is (703) 872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

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Date: May 9, 2003

  
**KIM NGUYEN**  
**PRIMARY EXAMINER**